

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOSEPH A. VERIVE,

Petitioner,

vs.

DAN REDDINGTON,

Respondent.

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Case No. 4:15-CV-1676 SNLJ-NCC

MEMORANDUM and ORDER

This matter is before the Court on the petition for writ of habeas corpus filed by Petitioner Joseph A. Verive. I referred this matter to United States Magistrate Judge Noelle C. Collins for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On February 15, 2019, Judge Collins filed her recommendation that petitioner's habeas petition should be denied (#20).

Petitioner sought and was granted an extension of time in which to file any objections. Petitioner filed his objections on April 19. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Collins and deny petitioner's habeas petition for the reasons stated in the Report and Recommendation dated February 15, 2019.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve the issues differently, or the issues deserve further proceedings. *Cox v.*

Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because petitioner has not made such a showing in this case, I will not issue a certificate of appealability.

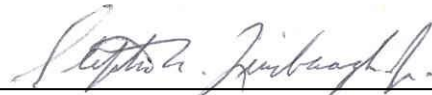
Accordingly,

IT IS HEREBY ORDERED that the report and recommendation of United States Magistrate Judge Noelle C. Collins (#20) be and is **SUSTAINED, ADOPTED** and **INCORPORATED** herein.

IT IS FURTHER ORDERED that petitioner Joseph A. Verive's Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FINALLY ORDERED that the Court will not issue a certificate of appealability. A separate judgment will be entered this same date.

Dated this 29th day of July, 2019.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE